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Coal Township Pa. 17866-1021

ES

Sept. 11, 2002

James Young Esq.  
301 Market St.  
P.O.Box 1245  
Harrisburg Pa. 17108-1245

1:01CV815

In Re: Additional time to review records

FILED  
SCRANTON

SEP 13 2002

Dear Sir:

PER   
DEPUTY CLERK

The reason for this letter is that I was advised by Ms. Dascani to contact your office in regards of additional time to review the medical records that she has. As it is 4 hours was not enough time for me to review those 2000 pages of records that I was given to review and I need more time to do so. Also I can not afford to pay the either \$ 210.00 or \$ 310.00 for the copying of those records, for me to pay for such would hinder my litigational efforts in for of the cases I have pending in state and federal courts.

I'm in hopes you are willing to grant me additional time to review these records so I can better state the denial of health care. From what I have read it appears that the medical staff knows of health condition and ordered treatment to see specialist for treatment and have decided not to treat. It is not my disagreement with medical staff it is the person on the outside that reviewed tests, x-rays have stated treatment and the institutional medical staff has opted to change the recommendation and not treat. The records show conditions and illnesses that require treatment and have opted not to treat, such as C-Pap, left knee break in low back at L-5-S-1, right shoulder, sleep

apnea, in which in a 8.5 hour period of sleep I stop breathing 29.8 minutes which I feel is life threatening, and for institutional staff to refuse to treat such, when records support treatment is deliberate indifference to a serious health care problem that could result in another injury. Even if I did refuse the treatment at the time which I did not, I find a need for the treatment now which I'm being refused based on a determination I refused its use, which I did not. I would be hard to use such a device when there was no power in which to use such. And since the department of correction would not provide me with the policy or maintenance reports as to why the power in H block as well as in J block cells was cut off.

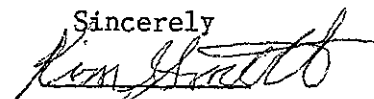
For these reasons I need additional time to review the records and take note get names and addresses of the doctors who reviewed tests and x-rays and their determination and treatment plan in which the medical department abridges these requests by them.

Even as a lay person from the reviewing of the part of the records I did I could see the need for treatment and Mr. Talaber claims it is my disagreement with institutional staff treatment and I as a lay person do not have medical knowledge for determine such, but after reading the part of the records I did it is clear within these records the need for treatment and the institutional medical staff and Wexford Health denies the right to adequate health care, violating the 8th amendment and subjecting me to cruel punishment and pain and suffering, and additional time to review the records is requested.

Would you please advise Ms. Dascani to let me complete my review of discovery material, as for me to do such would not affect the security of the institution or institutional procedure, as I was placed in the cubical for inmates in the hole and there is a guard on duty at that desk in that section, the only thing is for Ms. Dascani to bring the file, which I feel Mr. Talaber is depriving me the right to adequately review discovery material. Could you review 2000 pages of doctor reports in 4 hours if not how could you expect me to do so.

I'm in hopes and prayers that I soon hear from your office on this issue.

Sincerely



Date 9-11-02

Proof of Service

I certify that on or about Sept. 11, 2002 I placed an envelope containing a letter for request for additional time to review discovery material in institutional mail box to be forward to the United States Postal Service to mail first class to the below listed parties.

Mary D'Andera  
Clerk of Courts  
Unites States District Court  
Middle District

James Young Esq.

Mr. Talaber

Kim Smith

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Form DC-135A		Commonwealth of Pennsylvania Department of Corrections	
INMATE'S REQUEST TO STAFF MEMBER		INSTRUCTIONS Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.	
1. To: (Name and Title of Officer) <u>Mr. K. Duccani</u>		2. Date: <u>8-29-02</u>	
3. By: (Print Inmate Name and Number) <u>Kim Smith CT2162</u> <u>Kim Smith</u> Inmate Signature		4. Counselor's Name <u>Mr. Duccani</u>	
		5. Unit Manager's Name <u>Mr. Smith</u>	
6. Work Assignment <u>FK</u>		7. Housing Assignment <u>D-3-19</u>	
8. Subject: State your request completely but briefly. Give details. <u>Could you please advise me when and if you will contact Mr. Young Records Office about removing AP 3542 at Apil Room 521, 1977 from file. Since this case was expunged July 27, 1999 and all records in connection with this case was to be removed from any and all files. Would you please advise me of any action you will take.</u> <u>Thank You</u>			
9. Response: (This Section for Staff Response Only) <u>Mr. Smith</u> <u>I was advised by Mr. Young that you submitted a request directly to him on this issue.</u>			
To DC-14 CAR only <input type="checkbox"/>		To DC-14 CAR and DC-15 IRS <input type="checkbox"/>	

Staff Member Name

K. Duccani  
PrintK. Duccani  
Sign

Date

8/30/02